



City of Rockville

## MEMORANDUM

May 17, 2010

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Planning Commission Recommendation on Zoning Text Amendment (ZTA)  
Application TXT2010-00226

At its meeting on May 12, 2010, the Planning Commission reviewed ZTA Application TXT2010-00226. The Commission received a presentation from Planning and Zoning Division staff. After extensive discussion and deliberation on various aspects of the public use space requirement, the Planning Commission, on a motion by Commissioner Pakulniewicz, seconded by Commissioner Hill, voted 4-1 (Commissioner Medearis opposed) to recommend *against* approval of the ZTA to the Mayor and Council.

In recommending against approval, the Planning Commission made no specific alternative recommendations to the Mayor and Council. The following is a brief summary of the deliberation comments from the Commissioners.

Commissioner Pakulniewicz:

- Mixed-Use Transition (MXT) Zone needs more public use space than proposed.
- Intent was to maintain the 20% public use space requirement and to evaluate properties on a case-by-case basis.
- Uncomfortable with the proposed modifications because they appear to be taking the public use space requirement down a slippery slope.
- Wants the 20% public use space requirement to be maintained but believes there should be room for negotiation.
- Concerned that the Planning Commission only heard from development interests and not from small businesses or citizens during the meeting.

Commissioner Trahan:

- Does not agree with the proposed modification and believes the 20% public use space requirement would be appropriate as long as there was room for negotiation.
- Believes that public use space is paramount to future redevelopment.
- Strongly disagrees with increasing profit margins at the expense of the public good.

Commissioner Tyner:

- Does not agree with the Mayor and Council's direction to staff regarding the public use space requirement which ultimately benefits our citizens.
- Postponed in-lieu-of policy must be considered as part of any proposal for open space and public use space as that will be the major tool for negotiation in the interests of the City stakeholders.
- Believes more public use space will aid businesses in attracting tenants.
- Concerned that the Mayor and Council apparently only listened to a certain segment of the community.

Commissioner Hill:

- Views the modifications as the "biggest density give-a-way" in recent City history
- Believes RORZOR crafted flexibility into the Mixed-Use Zones with the intent of public use space being the public reward.
- Reducing the public use space requirement destroys that balance.
- A greater amount of public use space creates a "small city feel."
- The public input during the process has been very unbalanced.
- Believes the fee in lieu policy should be more flexible.
- Should review the fee in lieu policy before undermining the structural part of the ordinance.



City of Rockville

**MEMORANDUM**

June 4, 2010

**TO:** Mayor and Council

**FROM:** Planning Commission

**SUBJECT:** Planning Commission Supplemental Recommendation on Text Amendment Application TXT2010 - 00226; Revisions to the Public Use Space Requirements

The Planning Commission further considered Text Amendment Application TXT2010 – 00226 at its meeting on Wednesday, May 26, 2010. The Commission conducted a worksession with the planning staff on the details and background relating to this text amendment and its potential impact. This was detailed follow-up to the formal recommendation earlier, made at the time to meet the formal brief book timeframe. Based on this further discussion, the Planning Commission requests that the Mayor and Council accept and consider this supplemental recommendation on the text amendment in addition to the formal recommendation that was approved following the meeting on May 12, 2010.

The Planning Commission voted to approve a motion to request that the Mayor and Council consider the following points:

1. The Commission emphasizes that the public use space provisions in the zoning ordinance were intended to be a balance with other provisions of the ordinance. In particular, there needs to be a balance between the overall size of the building envelope, and especially building heights and how they relate to unbuilt portions of space and public use space as an amenity. This is especially important where residential uses are present.
2. There should be a relationship between policy matters and data, and how the public use space requirements relate to them. This includes consideration of the policies and data detailed in the Strategic Scan, the Municipal Growth Element, and the PROS Plan. Those documents indicate a large need for more public open space in the subject areas.
3. Detailed points where we might support attention to ordinance refinement include development on small lots or with existing structures.
4. Consideration of this proposal does not need to be rushed. The Planning Commission believes that the Mayor and Council should consider added perspectives on this proposal and proposes a joint worksession to examine this matter in more detail.

## ATTACHMENT F

5. The Mayor and Council should solicit comment from other sources, such as City boards and commissions, members of the public that may have an interest in this subject, and other interest groups. This commission is concerned that the existing input is unbalanced.

Therefore, on a motion by Commissioner Hill, seconded by Commissioner Tyner, the Planning Commission forwards this supplemental recommendation on text amendment TXT2010-00226, with Commissioners Hill, Tyner, Ostell, and Pakulniewicz voting in favor of the motion, and with Commissioners Medearis and Trahan absent, at its meeting on May 26, 2010.

cc: Planning Commission  
Case File